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| SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519 | | | SHELEHEDA, JAMES R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2623 | |

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,131

Applicant(s)

STALLWORTH, F. DAVID

Examiner

James Sheleheda

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
4a) Of the above claim(s) 30-43 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-29 and 44-48 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 08/04/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

_____.

2. Applicant's arguments, see Appeal Brief, filed 08/04/06, with respect to the rejections under Schein have been fully considered and are persuasive. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schiller et al. (5,499,046).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-13, 15-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiller et al. (Schiller) (5,499,046).

As to claim 1, Schiller discloses a system for delivering media content (see Figs. 1-3), comprising:

a producer producing content (column 1, lines 40-52); and

a channel producer (scheduler/distribution station; column 4, line 62-column 5, line 9 and column 5, line 66-column 6, line 3) that receives the content (column 6, line 64-column 7, line 11), aggregates the content into a bundle of content, the bundle of content having a full schedule of programming (full day of programming for the channel; column 1, lines 53-59 and column 4, lines 18-45), the bundle of content having diverse subject matter (column 1, line 40-column 2, line 11).

While Schiller discloses transmitting the content within and outside of a specific type of geographic terrain (as the content is transmitting on nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2), he fails to

specifically disclose wherein the content is related to a specific type of geographic terrain.

It would have been obvious to one of ordinary skill in the art to utilize content which is related to a specific type of geographic terrain, such as surfing and beach movies related to a coastal terrain, as it was well known in the art to put related programming on a single channel, by collecting and compiling, that which may previously exist on several channels. The collection of specialized kinds of programming on a single channel is the basis of numerous programming channel formats such as Nickelodeon, CNN, the Science-Fiction Channel, the Family Channel, the Movie Channel, etc. The selection of geographic terrain is merely another grouping of existing programming material, depending simply upon the desires of the broadcasters.

Furthermore, nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. In re Ngai, ³⁶⁷ F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004) (combining printed instructions and an old product into a kit will not render the claimed invention nonobvious even if the instructions detail a new use for the product).< Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

For example, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of

ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

(see MPEP at 2106, Section VI).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller's system to include wherein the content is related to a specific type of geographic terrain for the typical benefit of allowing the broadcaster to select and bundle the content as desired by viewers.

As to claim 2, Schiller discloses a media provider in communication with the channel producer (headend; see Figs. 1-3), wherein the channel producer transmits the bundle of content within and outside the specific type of geographic terrain (as the content is transmitting on nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2) by transmitting the bundle of content to the media provider (column 6, lines 46-64).

As to claim 3, Schiller discloses wherein the media provider is a cable television operator (column 3, lines 56-63).

As to claim 4, Schiller discloses wherein the media provider distributes the bundle of content to a national audience (nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2).

As to claim 5, Schiller discloses wherein the channel producer is a cable network (column 4, lines 5-18).

As to claim 6, see the rejection of claim 1 above.

As to claim 7, Schiller discloses wherein the channel producer produces additional programs related to the specific type of geographic terrain and includes the additional programs in the bundle of content (column 5, lines 10-18).

As to claim 9, Schiller discloses wherein the content is audio content and video content (column 3, lines 56-59), and the channel producer is a cable network (column 4, lines 5-18).

As to claim 10, Schiller discloses wherein the content is audio content, video content (column 3, lines 56-59) and data content (schedule data; column 4, line 62-column 5, line 8), and the channel producer is a computer network content provider (see Figs. 1-3 and column 4, lines 5-18).

As to claim 11, Schiller discloses a method for delivering media content (see Figs. 1-3), comprising:

receiving content (column 1, lines 40-52);

aggregating the content into a bundle of content, the bundle of content having a full schedule of programming (full day of programming for the channel; column 1, lines 53-59 and column 4, lines 18-45), the bundle of content having diverse subject matter (column 1, line 40-column 2, line 11).

While Schiller discloses transmitting the content to an audience within and outside of a specific type of geographic terrain (as the content is transmitting on nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2), he fails to specifically disclose wherein the content is related to a specific type of geographic terrain having a distinguishable physical feature.

It would have been obvious to one of ordinary skill in the art to utilize content which is related to a specific type of geographic terrain, such as surfing and beach movies related to a coastal terrain, as it was well known in the art to put related programming on a single channel, by collecting and compiling, that which may previously exist on several channels. The collection of specialized kinds of programming on a single channel is the basis of numerous programming channel formats such as Nickelodeon, CNN, the Science-Fiction Channel, the Family Channel, the Movie Channel, etc. The selection of geographic terrain is merely another grouping of existing programming material, depending simply upon the desires of the broadcasters.

Furthermore, nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. In re Ngai, ³⁶⁷ F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004) (combining printed instructions and an old

product into a kit will not render the claimed invention nonobvious even if the instructions detail a new use for the product).< Cf. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

For example, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

(see MPEP at 2106, Section VI).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller's system to include wherein the content is related to a specific type of geographic terrain for the typical benefit of allowing the broadcaster to select and bundle the content as desired by viewers.

As to claim 12, Schiller discloses wherein the content is at least one of audio content and video content (column 3, lines 56-64).

As to claims 13 and 18, see the rejection of claim 11 above.

As to claim 15, Schiller discloses wherein the step of transmitting comprises delivering audio content and video content (column 3, lines 56-59) using a cable network (column 4, lines 5-18).

As to claim 16, Schiller discloses wherein the step of transmitting the bundle of content comprises delivering audio and video content (column 3, lines 56-59) from a cable network (column 4, lines 5-18) to a cable television operator (column 4, line 62-column 5, line 18), and wherein the cable television operator broadcasts the audio content and the video content (column 5, lines 25-31).

As to claim 17, Schiller discloses wherein the step of transmitting comprises transmitting audio content, video content (column 3, lines 56-59) and data content (schedule data; column 4, line 62-column 5, line 8) using a computer network content provider (see Figs. 1-3 and column 4, lines 5-18).

As to claim 19, Schiller discloses a system for delivering media content (see Figs. 1-3), comprising:

a channel producer (scheduler/distribution station; column 4, line 62-column 5, line 9 and column 5, line 66-column 6, line 3) receiving content (column 6, line 64-column 7, line 11); and

the channel producer aggregating the content into a bundle of content, wherein the bundle of content presents a full schedule of programming (full day of programming

for the channel; column 1, lines 53-59 and column 4, lines 18-45) having diverse subject matter (column 1, line 40-column 2, line 11).

While Schiller discloses transmitting the content within and outside of a specific type of geographic terrain (as the content is transmitting on nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2), he fails to specifically disclose wherein all of the content is related to a specific type of geographic terrain.

It would have been obvious to one of ordinary skill in the art to utilize content which is related to a specific type of geographic terrain, such as surfing and beach movies related to a coastal terrain, as it was well known in the art to put related programming on a single channel, by collecting and compiling, that which may previously exist on several channels. The collection of specialized kinds of programming on a single channel is the basis of numerous programming channel formats such as Nickelodeon, CNN, the Science-Fiction Channel, the Family Channel, the Movie Channel, etc. The selection of geographic terrain is merely another grouping of existing programming material, depending simply upon the desires of the broadcasters.

Furthermore, nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. In re Ngai, ³⁶⁷ F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004) (combining printed instructions and an old product into a kit will not render the claimed invention nonobvious even if the instructions detail a new use for the product).< Cf. In re Gulack, 703 F.2d 1381, 1385,

217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

For example, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

(see MPEP at 2106, Section VI).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller's system to include wherein the content is related to a specific type of geographic terrain for the typical benefit of allowing the broadcaster to select and bundle the content as desired by viewers.

As to claim 20, Schiller discloses wherein the channel producer transmits the bundle of content within and outside the specific type of geographic terrain (as the content is transmitting on nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2) by transmitting the bundle of content to the media provider for bundling with other content into a package of channels (column 6, lines 46-64).

As to claim 21, see the rejection of claim 19 above.

As to claim 22, Schiller discloses a system for delivering media content (see Figs. 1-3), comprising:

- a producer producing content (column 1, lines 40-52); and
- a channel producer (scheduler/distribution station; column 4, line 62-column 5, line 9 and column 5, line 66-column 6, line 3) in communication with the producer and receiving the content (column 6, line 64-column 7, line 11), the channel producer aggregating the content into a bundle of content having a full schedule of programming (full day of programming for the channel; column 1, lines 53-59 and column 4, lines 18-45), the bundle of content having diverse subject matter (column 1, line 40-column 2, line 11); and
- a media provider in communication with the channel producer and receiving the bundle of content (column 6, lines 46-64).

While Schiller discloses transmitting the content within and outside of a specific type of geographic terrain (as the content is transmitting on nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2) and wherein the producer can be at any desirable location (column 4, lines 5-17), he fails to specifically disclose wherein the content is related to coastal terrain.

It would have been obvious to one of ordinary skill in the art to utilize content which is related to a specific type of geographic terrain, such as surfing and beach content related to a coastal terrain, as it was well known in the art to put related programming on a single channel, by collecting and compiling, that which may

previously exist on several channels. The collection of specialized kinds of programming on a single channel is the basis of numerous programming channel formats such as Nickelodeon, CNN, the Science-Fiction Channel, the Family Channel, the Movie Channel, etc. The selection of geographic terrain is merely another grouping of existing programming material, depending simply upon the desires of the broadcasters.

Furthermore, nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. In re Ngai, ³⁶⁷ F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004) (combining printed instructions and an old product into a kit will not render the claimed invention nonobvious even if the instructions detail a new use for the product).< Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

For example, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

(see MPEP at 2106, Section VI).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller's system to include wherein the content is

related to coastal terrain for the typical benefit of allowing the broadcaster to select and bundle the content as desired by viewers.

As to claim 23, Schiller discloses wherein the channel producer is a cable network (column 4, lines 5-18).

As to claim 24, Schiller discloses wherein the media provider is a cable television operator (column 3, lines 56-63).

As to claims 25 and 26, see the rejection of claim 22 above.

As to claim 27, Schiller discloses a system for delivering media content (see Figs. 1-3) over a global computer network (column 4, lines 46-61), comprising:

a computer network content provider receiving content (scheduler/distribution station; column 4, line 62-column 5, line 9 and column 5, line 66-column 6, line 3); and

the computer network content provider aggregating the content into a bundle of content, the bundle of content having a full schedule of programming (full day of programming for the channel; column 1, lines 53-59 and column 4, lines 18-45) with diverse subject matter (column 1, line 40-column 2, line 11).

While Schiller discloses transmitting the content within and outside of a specific type of geographic terrain (as the content is transmitting on nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2), he fails to

specifically disclose wherein all of the content is related to a specific type of geographic terrain.

It would have been obvious to one of ordinary skill in the art to utilize content which is related to a specific type of geographic terrain, such as surfing and beach movies related to a coastal terrain, as it was well known in the art to put related programming on a single channel, by collecting and compiling, that which may previously exist on several channels. The collection of specialized kinds of programming on a single channel is the basis of numerous programming channel formats such as Nickelodeon, CNN, the Science-Fiction Channel, the Family Channel, the Movie Channel, etc. The selection of geographic terrain is merely another grouping of existing programming material, depending simply upon the desires of the broadcasters.

Furthermore, nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. In re Ngai, ³⁶⁷ F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004) (combining printed instructions and an old product into a kit will not render the claimed invention nonobvious even if the instructions detail a new use for the product).< Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

For example, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of

ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

(see MPEP at 2106, Section VI).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller's system to include wherein the content is related to a specific type of geographic terrain for the typical benefit of allowing the broadcaster to select and bundle the content as desired by viewers.

As to claim 29, Schiller discloses wherein the computer network content provider distributes the bundle of content via a computer network (column 4, lines 46-61).

5. Claims 44-46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiller in view of Shah-Nazaroff et al. (Shah-Nazaroff) (6,317,881).

As to claim 44, Schiller discloses a system for delivering media content (see Figs. 1-3), comprising:

creating content (column 1, lines 40-52); and

aggregating the content into a bundle of content, the bundle of content having a full schedule of programming (full day of programming for the channel; column 1, lines 53-59 and column 4, lines 18-45) with diverse subject matter (column 1, line 40-column 2, line 11).

While Schiller discloses transmitting the content within and outside of a specific type of geographic terrain (as the content is transmitting on nationally available channels, such as HBO, etc...; see column 4, lines 18-34 and Fig. 2), he fails to specifically disclose wherein the content is related to a specific type of geographic terrain having a distinguishable physical feature and receiving communications from the viewers that initiate activities related to the specific type of geographic terrain.

It would have been obvious to one of ordinary skill in the art to utilize content which is related to a specific type of geographic terrain, such as surfing and beach movies related to a coastal terrain, as it was well known in the art to put related programming on a single channel, by collecting and compiling, that which may previously exist on several channels. The collection of specialized kinds of programming on a single channel is the basis of numerous programming channel formats such as Nickelodeon, CNN, the Science-Fiction Channel, the Family Channel, the Movie Channel, etc. The selection of geographic terrain is merely another grouping of existing programming material, depending simply upon the desires of the broadcasters.

Furthermore, nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. In re Ngai, ³⁶⁷ F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004) (combining printed instructions and an old product into a kit will not render the claimed invention nonobvious even if the instructions detail a new use for the product).< Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally

related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

For example, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

(see MPEP at 2106, Section VI).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller's system to include wherein the content is related to a specific type of geographic terrain for the typical benefit of allowing the broadcaster to select and bundle the content as desired by viewers.

Additionally, in an analogous art, Shah-Nazaroff discloses a distribution system (Fig. 1) wherein users will answer a questionnaire related to viewed programming (column 6, lines 22-59) which then transmitted upstream (column 6, lines 48-59) for the typical benefit of providing a robust rating system allowing user feedback to identify interesting programming (column 1, line 45-60 and column 4, lines 20-54).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller's system to include receiving communications from the viewers that initiate activities, as taught by Shah-Nazaroff, for the typical benefit of providing a robust rating system allowing user feedback to identify interesting programming.

As to claim 45, see the rejection of claim 44 above.

As to claim 46, Schiller and Shah-Nazaroff disclose wherein receiving the communications comprises receiving communications from the viewers through a telephone network (see Shah-Nazaroff at column 3, lines 16-22).

As to claim 48, Schiller and Shah-Nazaroff disclose wherein the activities include providing feedback regarding a program being broadcast (see Shah-Nazaroff at column 6, lines 22-59).

6. Claims 8, 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiller as applied to claims 1, 11 and 27 above, and further in view of Decinque (6,286,139).

As to claims 8, 14 and 28, while Schiller discloses wherein the content is audio content (column 3, lines 56-63) and wherein the channel producer utilizes the Internet (column 4, lines 46-61), he fails to specifically disclose a website.

In an analogous art, Decinque discloses a distribution system (Fig. 1) wherein content is accessed and distributed via a website (column 4, lines 18-46) for the typical benefit of providing a simple web-based method of ordering and distributing content (column 1, lines 4-54).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller's system to include a website, as taught by Decinque, for the typical benefit of providing a simple web-based method of ordering and distributing content.

7. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiller and Shah-Nazaroff as applied to claim 44 above, and further in view of Decinque (6,286,139).

As to claim 47, while Schiller and Shah-Nazaroff disclose wherein the content is audio content (see Schiller at column 3, lines 56-63) and wherein the channel producer utilizes the Internet (see Schiller at column 4, lines 46-61), they fail to specifically disclose a website.

In an analogous art, Decinque discloses a distribution system (Fig. 1) wherein content is accessed and distributed via a website (column 4, lines 18-46) for the typical benefit of providing a simple web-based method of ordering and distributing content (column 1, lines 4-54).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schiller and Shah-Nazaroff's system to include a website, as taught by Decinque, for the typical benefit of providing a simple web-based method of ordering and distributing content.

Conclusion

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8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

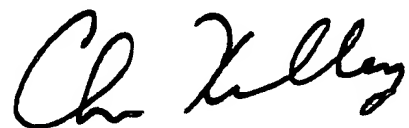
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Sheleheda
Patent Examiner
Art Unit 2623

JS



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